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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NOV 09 2007 *aw*
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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Richard J. Backs Sr. # 20050056206

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

07cv6378
JUDGE ANDERSEN
MAG. JUDGE COLE

(To be supplied by the _____)

Sgt. Andrews

Lt. Tucker

% Collozo

% Pierce

John Doe

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: Richard Gacho Sr. #0005-0086006
- B. Date of Birth: Dec 10th 1974
- C. List all aliases: Richard Macada, John Rodriguez
- D. Prisoner identification number: #0005-0086006
- E. Place of present confinement: Cook County Jail Division 10
- F. Address: 2600 S. California Ave.

(If there is more than one plaintiff, then each plaintiff must list his or her name, date of birth, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Supt. Andrews
 Title: Superintendent Division 10
 Place of Employment: Cook County Jail, Division 10
- B. Defendant: Lt. Tucker
 Title: Lieutenant Division 10
 Place of Employment: Cook County Jail, Division 10
- C. Defendant: S/O Collazo
 Title: Correctional officer
 Place of Employment: Cook County Jail, Division 10

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

II. Defendant(s):

- D. Defendant: % Pierce
Title: Correctional Officer
Place of Employment: Cook County Jail Division 10
- E. Defendant: John Dee
Title: Sergeant
Place of Employment: Cook County Jail Division 10
- F. Defendant:
Title:
Place of Employment:

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N/A
- B. Approximate date of filing lawsuit: N/A
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N/A
- D. List all defendants: N/A
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): N/A
- F. Name of judge to whom case was assigned: N/A
- G. Basic claim made: N/A
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: N/A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I was shot in the foot in July of 2001 and suffered nerve damage in my left foot among other injuries. In September of 2003 the same foot I was shot in 2 years earlier my arch collapsed & locked into place. When my arch collapsed it caused my left hip to displace which caused scoliosis in my spine. My injuries were very extensive and I was referred to a Chiropractor for therapy because I could not walk and to make adjustments to my spine to ease my pain. I went through six months of therapy just to be able to walk again, then still experienced severe foot, leg & back pain for six additional months. I was told at that time there is corrective surgery to repair my broken arch, but the back pain was something I would have to live with. The only other therapy available to help my condition from advancing further would be to live a healthy lifestyle, including lose weight & exercise, and "always" wear supportive footwear, that supports my through their contours. At that point my doctor suggested I wear high end running shoes with orthopedic insoles because they were the most supportive shoes available. From that point forward I always wore the correct shoe which most assuredly did as was suggested they would kept my injuries from advancing. Fast forward to July 2005. I was arrested and have remained in the custody

of the Cook County Jail since shortly after being arrested I was seen by doctors here at Cook County Jail for back pain. At that point I made them aware of the history of my condition and told the doctors that I made regular visits to a chiropractor to help with my pain. I was told the Cook County Jail did not employ a chiropractor and was offered medicine for my pain. I went to the doctors a couple times after that visit for more foot & back pain. Then in August 2006 I told the doctors here at the jail that I was in need of new shoes and the ones sold on commissary were not the proper shoes for my condition. The doctors told me the jail had no shoes to provide me with, but he would write a order allowing my family to bring me the proper footwear that he acknowledged I needed for my condition. My family brought me shoes & everything remained the same. I returned again to the doctor in June 2007 for pain & swelling in my left foot and was sent to a physical therapist here at the jail. She did a analysis of my condition, gave me a few new exercises to help strengthen my foot and renewed my order allowing my family to bring me new running shoes. The order was forwarded to the caseworker here in division 10 who then proceeded to procrastinate for two & half months to make a notation of the order of the order, return the order back to me and tell me to have my family bring the shoes to the jail. The policy at the Cook County Jail as of 9-27-07 which is posted on each tier, that the only detainees who will be allowed to keep their own personal footwear would be those detainees with the proper doctor orders, which I have had since I've been in custody. But then on October 3rd 2007 my shoes

and insoles, but I was told that the jail was no longer honoring doctors orders and I had 2 options. 1) Give up my shoes willingly, or 2) be sprayed in my eyes with mace and have my shoes forcefully taken from me and be sent to segregation for not complying with direct orders, so I willingly gave up my shoes. I wrote a grievance on October 4th 2007 which I was called into a meeting with Lt. Tucker & John Doe - Sergeant on October 5th. 2007 concerning my grievance. At that point Lt. Tucker reviewed my doctor orders, and after making a medical decision which is completely out of the scope of his position as a jail guard, he agreed that my condition required I wear proper footwear. Lt. Tucker chose to comply with my doctor orders allowing my family to bring me running shoes. At that point my understanding was that my grievance was satisfied. On October 11th. 2007 my mother Judy Macedo brought me the proper running shoes (which were approved by my long-time chiropractor) to the jail with a letter of approval by my chiropractor. At which time Lt. Tucker viewed the shoes and again made "his" own medical decision that they were not the proper shoes for my medical condition. My mom after being completely disrespected by Lt. Tucker was turned away. The next day October 12th. 2007 my sister Melissa Bacho returned to the jail with the same running shoes and Supt. Andrews now inspected them and made "his" own medical decision that the shoes she had were not the proper shoes for my condition, and made "another medical decision" and suggested the type of shoes that she should bring me. My sister then went out and bought another pair of shoes and brought them to my

chiropractor who determined that those were not the proper shoes for my condition, that the shoes my mother had the day earlier were. Where the situation stands now is I still don't have the proper footwear, and if I question Lt. Tucker concerning the decision being made I am threatened with disciplinary action, being sprayed in my eyes with mace and sent to segregation. In the mean time I am experiencing terrible foot, leg & back pain which is worsening by the day. My understanding is the jail is responsible for my medical needs, which is instead being laid in the lap of my family, but the jail is not honoring it's own doctors orders. I know of no other remedies available to me besides the legal intervention I am seeking from the court in this claim.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- ① That my doctor orders be honored by Cook County Jail.
- ② To be compensated financially for pain & suffering to the extent state statutes allows.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 13 day of Oct., 2007

Richard J. Bocho Sr.
(Signature of plaintiff or plaintiffs)

Richard J. Bocho Sr.
(Print name)

#2005-00572006
(I.D. Number)

P.O. Box 079002

Chicago Ill. 60608
(Address)